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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,374	05/04/2001	Yu-Chih Cheng	PMXP0125USA	6788

7590

07/08/2004

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EXAMINER

PATEL, NITIN

ART UNIT PAPER NUMBER

2673

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,374

Applicant(s)

CHENG, YU-CHIH

Examiner

Nitin Patel

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor et al., (U.S. Patent No. 5,838,306) in view of Hiller (U.S. Patent No. 6,396,483).

As per claims 1,6 O'Connor shows a pointing device (In Fig.1 and In Col.3 lines 42-44):

a housing (In Fig.1) and a button installed on the housing for generating button signals (in fig.1 element 107 and 109 actuation switches) a displacement signal generator (element 111 In fig.1 and In Col.3 lines 50-54); an input panel installed on the housing for inputting signal data (element 113 and In col.4 lines 15-17) and shows window area (element 113 and also could be set on the other place on the mouse)(In Col.3 lines 55-62).

O'Connor does not teach a hand written input data inputted to perform an identification process and a panel substantially horizontal, Wherein the handwritten data inputted to the input panel will be transmitted to a computer to perform an identification process.

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Hiller shows a hand written input data inputted to perform an identification process (In Fig.5 on a horizontal panel element 105); wherein the handwritten data inputted to the input panel (element 105) will be transmitted to a computer to perform an identification process (In Col.3 lines 34-43). It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to allow the teaching of verification of handwritten inputted data on a flat input panel of Hiller's into the input device of O'Connor's because it would have reduced and rejected forgery committed by persons who wants to steal identity theft.

As per claim 2, O'Connor shows the pointing device being a mouse (I fig.1 and In col.3 lines 42-43).

As per claim 3, O'Connor shows the displacement signal generator having a roller installed at bottom of the housing for generating displacement signals (In col.3 lines 42-53).

As per claims 4,7 O'Connor shows the displacement signal generator having a trackball installed at a top end of the housing for generating displacement signals (In Col.3 lines 51-54, element 111 acts as a pointer finger to input manipulation and control selection from a user to move cursor or menu on a screen). O'Connor does not teach track ball positioned between the input panel and the button in the horizontal plane such that the input panel is positioned on the near side of the pointing device with respect to a user when the pointing device is normally orientated. It would have been obvious to one of ordinary skill in the art, at the time of the invention was made that O'Connor shows a track ball and a window panel (element 111 In fig.1) to and plurality of switches

to control display operation on top of the housing but It would have been obvious to change of all of this element in a different way for a user to feel comfortable to operate the pointing device would have been a design choice. (see In re Japikse, 86 USPQ 70 CCPA 1950).

Response to Arguments

3. Applicant's arguments with respect to claims 1-4,6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9052 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9618.

NP
June 26, 2004


Amare Mengistu
Primary Examiner